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DEPT FOR EAP/J (DRESSER), ISN/MNSA, ISN/NESS, IO, IO/UNP,
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E.O. 12958: DECL: 09/18/2034
TAGS: [PARM](#) [KNNP](#) [UNSC](#) [IAEA](#) [JA](#)
SUBJECT: JAPANESE REQUEST FOR CHANGE TO/COMMENTS ON DRAFT
UNSC RESOLUTION PARA ON NUCLEAR EXPORTS AND SAFEGUARDS

Classified By: A/EMIN Paul Horowitz for reasons 1.5 (b and d).

¶1. (U) This cable is an action request. Please see para 9.

¶2. (S) Summary: The GOJ is concerned there is an inconsistency in one paragraph of the draft UNSC Resolution on Nuclear Nonproliferation and Nuclear Disarmament, and would like to propose alternate wording to resolve Japan's concerns. Specifically, the GOJ has problems with paragraph 18 of the September 17 text, which has to do with conditions for nuclear exports and which the GOJ believes unintentionally implies a need for recipient countries to have an Additional Protocol in effect. The GOJ is aware this paragraph was discussed on the afternoon of September 17 in New York, but is still unclear on the current wording and the U.S. interpretation of the paragraph. End Summary.

¶3. (S) MOFA International Nuclear Energy Cooperation Division Principal Deputy Director Zentaro Naganuma called Econoff to MOFA the morning of September 18 to relay some "urgent concerns" about the draft UNSC Resolution on Nuclear Nonproliferation and Nuclear Disarmament. Naganuma began by noting the GOJ fully supports the President's efforts, and would like to fully cooperate with the U.S. on the resolution. However, the GOJ has substantive concerns related to the resolution's paragraph on conditions for nuclear export--para 17 in the September 11 draft and para 18 in the September 17 draft. Naganuma said the GOJ understands and supports the paragraph's goal of ensuring control of nuclear material even after a country terminates its IAEA safeguards agreement, but because of the specific requirements laid out in that paragraph, is concerned "we are going to adopt a resolution which no country can implement."

¶4. (S) MOFA has two problems with the paragraph's call for safeguards to continue on exported "equipment" in the event that the recipient country terminates its IAEA safeguards agreement. MOFA's first concern is that the wording assumes safeguards on equipment exist prior to termination, a condition which actually only occurs when a country has adopted an Additional Protocol. By contrast, the more basic Comprehensive Safeguards Agreements only require safeguards on nuclear material, not equipment.

¶5. (S) MOFA's second concern is that, according to its understanding, neither Japan nor the U.S. is presently implementing this requirement as a condition of receiving exports. Because our bilateral nuclear agreements with other countries would be the mechanism for enforcing this requirement, full implementation of the resolution by the U.S. and Japan would require changes to many agreements we have with other countries. As examples, Naganuma highlighted the U.S.-Japan agreement, which only requires continued safeguards on nuclear material, and the U.S.-UAE agreement, which has similar provisions.

¶16. (S) Naganuma said if the U.S. does in fact want to require an Additional Protocol as a condition of receiving nuclear exports, Japan would have no objections, as that is currently Japan's policy for its own exports. But he suggested this likely would be unachievable, given opposition from other countries. In this vein, he bemoaned the relative weakness of the September 17 draft's paragraph 16 and 17, which only "encourages" states to require an Additional Protocol as a condition for cooperation, versus paragraph 18's "urges".

Proposed new text, and request for comment

¶17. (SBU) Japan would like to propose the following new text to replace the existing paragraph 18 in the September 17th text:

"Urges States to require as a condition of exports of nuclear material and equipment that the recipient State agree that, in the event that it should withdraw from the NPT or terminate its IAEA safeguards agreement, safeguards shall continue with respect to any nuclear material provided prior to such termination or withdrawal, as well as any special nuclear material produced through the use of such material or equipment."

¶18. (S) Naganuma said Japan's Mission in New York had been trying to raise this issue, but MOFA is concerned that what appears to be a minor technical point is actually an important issue, and is being lost in the broader political

discussion. Discussion will be held on the draft on September 18, and he requested the USG's attention to this matter. Naganuma contacted Econoff later in the day to update this request; the GOJ is now aware that discussions on the afternoon of September 17 touched on this paragraph, but MOFA is still unclear on the wording and the intended implementation. Naganuma requested the USG clarify the goal of this paragraph, and provide details on how it would apply to "equipment."

¶19. (S) Action request: Please provide for passage to the GOJ comments on our intended goal for this paragraph, as well as any information on how the paragraph would apply to equipment. Also, if possible, post would welcome the most current draft text for the paragraph in question. End action request.

ROOS